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NAZI WAR CRIMES DISCLOSURE ACT
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CONTROLS
CONFIDENTIAL GENEVA 02211

E.O. 12356: DECL:OADR

TEXT
TAGS: PHUM, UNHRC-1
SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
U.S. DRAFT RESOLUTION ON PROSECUTION AND PUNISHMENT
OF WAR CRIMINALS (ITEM 21)

REF: A) SCHIFTER BREGER TELCON OF 2/24/88
- B) DOBRIANSKY-BREGER TELCON OF 2/24/88;
- C) RASHKOW-BREGER TELCONS OF 2/24/88 AND 2/26/88
- D) BONN 6370, E) STATE 60776

1. CONFIDENTIAL - ENTIRE TEXT.

2. THIS IS HRC-212.

3. AS DISCUSSED IN REF TELCONS, USDEL HAS DRAFTED AND
CIRCULATED IN THE WEOG (AND TO ISRAEL) THE DRAFT
RESOLUTION SET FORTH IN PARA 8 BELOW ON THE PROSECUTION
AND PUNISHMENT OF WAR CRIMINALS. TEXT BELOW DOES NOT
DEAL WITH EFFORTS TO CONTROL NEO-NAZI ACTIVITY, IN VIEW
OF FREE SPEECH AND FREEDOM OF ASSOCIATION ISSUES RAISED
IN REF TELCONS, BUT FOCUSES ON THE NEED FOR
INTERNATIONAL COOPERATION IN BRINGING WAR CRIMINALS TO

STATE DEPT. DECLASSIFICATION REVIEW
☒ Retain class'n
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Change/classify to _____
with concurrence of _____
after _____

EO 12958, 25X
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Date: 8/30/00

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JUSTICE. ONLY REACTION THUS FAR HAS BEEN FROM FRG DELEGATION, WHICH IS VERY UNHAPPY AND INDICATES THAT BONN MAY DECIDE TO COMPLAIN IN NATO AND WASHINGTON IF USDEL DOES NOT DROP THIS INITIATIVE. (THE LATTER THREAT HAS SINCE BEEN MADE GOOD, PER REFTTEL C.)

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FRG DEL HAS SAID IT WOULD EXPECT SUCH A RESOLUTION FROM THE USSR, BUT NOT THE U.S. FRG ARGUES THAT TEXT BELOW SHOULD NOT BE LIMITED TO WAR CRIMINALS FROM WORLD WAR II AND, IN ANY EVENT, DEALS WITH THE PAST, WHEREAS THE COMMISSION SHOULD DEAL WITH THE PRESENT. UNTIL THIS MATTER IS RESOLVED WITH THE FRG, USDEL IS NOT DISCUSSING IT WITH SOVIET OR OTHER DELEGATIONS OUTSIDE WEOG, EXCEPT ISRAEL.

5. WE BELIEVE FRG OBJECTIONS TO BE LARGELY UNFOUNDED AND UNACCEPTABLE. NEVERTHELESS, WE ARE ANXIOUS TO AVOID A MAJOR PROBLEM IN THE WEOG, AND WE ARE ON RECORD HERE WITH THE GERMAN DEL TO THE EFFECT THAT WE WOULD NOT PURSUE SUCH A RESOLUTION AT THIS COMMISSION IF IT CAUSED THEM DIFFICULTY. THERE ARE, WE BELIEVE, TWO POSSIBLE WAYS OUT OF THIS BIND. WE CAN WORK WITH THE FRG DELEGATION TO REVISE THE LANGUAGE IN PARA 8 TO MAKE IT ACCEPTABLE TO FRG. IF THIS PROVES IMPOSSIBLE, WE WOULD PROPOSE TELLING THE GERMANS IT IS OUR INTENTION TO INTRODUCE AT THE 43RD UNGA A TEXT ALONG THESE LINES AND THAT WE WILL WORK WITH THEM ON IT OVER THE COMING MONTHS.

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6. WE SHOULD BE AWARE THAT ISRAELI AMBASSADOR HERE IS STRONGLY IN FAVOR OF SUCH A TEXT BEING INTRODUCED AT THIS COMMISSION AND THAT ISRAEL MAY PRESS HARD FOR US TO PROCEED. THE WORLD JEWISH CONGRESS AND OTHER NGO'S ARE ALSO AWARE THAT SUCH A TEXT IS BEING DISCUSSED AND THAT FRG IS OPPOSING IT. WJC REP HAS INFORMED US THAT, AS AUTHORIZED BY HIS ORGANIZATION, HE HAS APPROACHED FRG DEL AND THREATENED TO GO PUBLIC WITH THIS MATTER IN GENEVA AND ELSEWHERE, IF THE RESOLUTION IS ABORTED DUE TO FRG OPPOSITION.

7. COMMENT: IT IS DISAPPOINTING, TO SAY THE LEAST, TO FIND THE FRG, WHICH USED TO STAND AT THE FOREFRONT OF ANTI-NAZI EFFORTS, TAKING SUCH A CASUAL, POST-BITBURG ATTITUDE TOWARD THE PROBLEM. HOWEVER, GIVEN ALL OF OUR OTHER INTERESTS AT THIS COMMISSION WE DO NOT NEED A MAJOR PROBLEM WITH A FELLOW WEOG STATE. WE SHOULD, THOUGH, AT A MINIMUM MAKE CLEAR TO THE FRG THAT THIS ISSUE WILL NOT GO AWAY AND THAT WE INTEND TO PURSUE IT LATER THIS YEAR. WE BELIEVE THAT KEEPING IT ALIVE THIS WAY WILL BE ACCEPTABLE TO THOSE MOST ANXIOUS TO SEE US PROCEED AND MOST IN A POSITION TO EXERT EXTENSIVE PUBLIC PRESSURE.

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8. TEXT OF POSSIBLE DRAFT RESOLUTION ON PROSECUTION AND PUNISHMENT OF WAR CRIMINALS FOLLOWS:

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THE COMMISSION ON HUMAN RIGHTS,

RECALLING RESOLUTION 1987/4 OF THE SUB-COMMISSION ON
C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 02211

E.O. 12356: DECL:OADR

TAGS: PHUM, UNHRC-1

SUBJECT: 44TH SESSION OF UN HUMAN RIGHTS COMMISSION:
PREVENTION OF DISCRIMINATION AND PROTECTION OF
MINORITIES, ADOPTED ON 31 AUGUST 1987, CONCERNING THE
DEVELOPMENT OF INTERNATIONAL COOPERATION TO SECURE THE
PROSECUTION AND PUNISHMENT, IN THE COUNTRIES WHERE
THEIR DEEDS WERE COMMITTED, OF WAR CRIMINALS AND
PERSONS GUILTY OF CRIMES AGAINST HUMANITY,

COMMENDING THE COOPERATION AMONG VARIOUS MEMBER STATES
OF THE UNITED NATIONS WHICH HAS RESULTED IN THE FAIR
TRIAL AND JUST PUNISHMENT OF IMPORTANT NAZI WAR
CRIMINALS, INCLUDING **KLAUS BARBIE**, FOR THEIR CRIMES
AGAINST HUMANITY,

NOTING WITH SATISFACTION THE SPIRIT OF COOPERATION SHOWN
BY SEVERAL MEMBER STATES IN FACILITATING THE EXTRADITION
OF WAR CRIMINALS, WHO, IN THE AFTERMATH OF THE SECOND
WORLD WAR, ATTEMPTED TO ELUDE RESPONSIBILITY FOR THEIR
DEEDS BY TAKING REFUGE IN OTHER COUNTRIES.

WELCOMING THE INTEREST SHOWN IN THIS PROBLEM BY NUMEROUS
MEMBER STATES REGARDING ALLEGED WAR CRIMINALS RESIDING
IN THEIR TERRITORIES AND THE ASSISTANCE GIVEN BY OTHER
MEMBER STATES IN PROVIDING EVIDENCE MAKING POSSIBLE THE
EXTRADITION AND PROSECUTION OF SUCH INDIVIDUALS,

RECOGNIZING THAT, ACCORDING TO CONSISTENT AND
WELL-DOCUMENTED REPORTS, A LARGE NUMBER OF PERSONS
ALLEGED TO HAVE COMMITTED WAR CRIMES AND CRIMES
AGAINST HUMANITY BEFORE AND DURING THE SECOND
WORLD WAR LIVE IN THE TERRITORIES OF MEMBER STATES
OF THE UNITED NATIONS,

CONDEMNING THE ATTEMPTS MADE EVEN TODAY TO DENY
THE ACTS OF GENOCIDE COMMITTED AS A RESULT OF
NAZI IDEOLOGY AND PRACTICES,

1. URGES ALL STATES TO TAKE THE NECESSARY MEASURES,
IN ACCORDANCE WITH THEIR NATIONAL CONSTITUTIONAL
SYSTEMS, TO ENSURE FULL INTERNATIONAL COOPERATION
FOR THE PURPOSE OF SECURING, PREFERABLY IN THE
PLACE WHERE THEY COMMITTED THEIR DEEDS, THE
PROSECUTION AND JUST PUNISHMENT OF THOSE WHO HAVE
COMMITTED WAR CRIMES AND CRIMES AGAINST HUMANITY.
PETRONE

ADMIN

END OF MESSAGE

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